



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------------|------------------------|
| 09/914,523 | 08/29/2001 | Yair Oren | 20568-68756 | 7992 |
| 46363 7590 06/01/2007 PATTERSON & SHERIDAN, LLP/ LUCENT TECHNOLOGIES, INC 595 SHREWSBURY AVENUE SHREWSBURY, NJ 07702 | | | EXAMINER TRAN, DZUNG D | |
| | | | ART UNIT 2613 | PAPER NUMBER |
| | | | MAIL DATE 06/01/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

5

| | | | | |
|------------------------------|------------------------|--|---------------------|--|
| Office Action Summary | Application No. | | Applicant(s) | |
| | 09/914,523 | | OREN ET AL. | |
| | Examiner | | Art Unit | |
| | Dzung D. Tran | | 2613 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-8 and 23 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

It claimed "a first demultiplexer for demultiplexing the first carrier from the fiber, a second demultiplexer for demultiplexing the second carrier from the fiber", which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention because it is unclear how the first demultiplexer and the second demultiplexer, demultiplex the first carrier and the second carrier from the fiber (i.e., in order to demultiplex the first carrier and the second carrier from the fiber, the close loop optical fiber must carry a wavelength division multiplexed signal).

It further claimed "a first multiplexer for multiplexing the first carrier from the fiber". It is unclear what wavelength that the first multiplexer multiplex with the first carrier.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 7, 8 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Oberg et al. U.S. Patent no. 6,915,075.

Regarding claims 1 and 23, Oberg discloses in figure 2, a method of a closed loop optical fiber for carrying information modulated on at least two optical carriers (e.g., information is modulated with working wavelength and spare wavelength), a first one of the carriers having a first wavelength (i.e., λ_1) and a second one of the carriers having a second wavelength (i.e., λ_2), at least two nodes (e.g., node 1) at a first one of which first information modulated on the first carrier (i.e., λ_1) and second information modulated on the second carrier (i.e., λ_2) is to be recovered and transmitted, the first node 1 comprising a first demultiplexer 15 for demultiplexing the first carrier (i.e., λ_1) from the fiber, a second demultiplexer (i.e., same as the first de-multiplexer) for demultiplexing

Art Unit: 2613

the second carrier λ_2 from the fiber, a first multiplexer 13 for multiplexing the first carrier λ_1 on the fiber, a second multiplexer (i.e., same as the first multiplexer) for multiplexing the second carrier λ_2 on the fiber, and apparatus for receiving and transmitting first and second information (λ_1 , λ_2) comprising a first receiver 9 for receiving and transmitting first and second information consisting essentially of a first receiver RN for demodulating first information and a first transmitter EN for modulating first information on the first carrier λ_1 before the first carrier λ_1 is placed on the fiber by the first multiplexer 13, a second receiver 9 for demodulating second information and a second transmitter (spare transponder 21) for modulating second information on the second carrier λ_2 before the second carrier is placed on the fiber by the second multiplexer 13, and a first and second switches 17, 19, wherein when the first carrier is not capable of transmitting the first information over the fiber, the first information is modulated on the second carrier for transmission over the fiber (col. 5, line 50 to col. 6, line 47).

Regarding claims 7 and 8, Oberg discloses the bidirectional WDM link comprises 3 or N WDM channels (col. 4, lines 32-37).

5. Claims 2-6 would be allowable if rewritten to overcome the 112 rejections above.

Response to Arguments

6. Applicant's arguments with respect to claims 1, 7, 8 and 23 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2613

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dzung D Tran whose telephone number is (571) 272-3025. The examiner can normally be reached on 9:00 AM - 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dzung Tran
05/22/2007


DZUNG TRAN
PRIMARY PATENT EXAMINER